



# I Am a U.S. Citizen...

A1

How Do I...Help My Relative Become a Permanent Resident of the United States?



U.S. Citizenship  
and Immigration  
Services

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Millions of people want to come to the United States (U.S.) to live. To manage this process the law sets eligibility standards and also limits how many people can immigrate each year.

One of the most common ways people immigrate is based on a relationship to a U.S. citizen. If you want to help a relative immigrate, start the process by filing a **Form I-130, *Petition for Alien Relative***. The I-130 is available on our website at **uscis.gov**. Sometimes the I-130 can be combined with a permanent resident application by the relative as discussed below.

## Who are the relatives that I may file for?

Any U.S. citizen can file for the following relatives:

- Husband or wife
- Children, and sons and daughters<sup>1</sup>

A U.S. citizen who is 21 or older can **also** file for the following relatives:

- Parents
- Brothers and sisters

In your petition, you will have to prove your relationship to the person for whom you are filing.

## What does the petition do for my relative?

Filing a relative petition and proving a qualifying relationship gives the relative a place in line among others waiting to immigrate based on the same kind of relationship. When the place in line is reached, the relative may be eligible to apply to immigrate.

**For example:** You file a petition for your sister. If we approve it, your petition gives her a place in the line of people from the same country who are also brothers and sisters of U.S. citizens.

Your relative's place in line will be based on the date you file your petition. So, there is an advantage to filing as soon as possible. There is no waiting line for a U.S. citizen's parent, spouse, or unmarried child under age 21.

## What about other relatives?

The law limits eligibility to the relatives listed above.

## What about my relative's family?

In most cases, when your relative's place in line is reached and he/she applies to immigrate, his or her husband or wife and unmarried children under 21 can apply as dependents.

**For example:** You file a petition for your sister. You cannot directly petition for her husband and children. However, they can apply for immigrant visas with her, when her place in line is reached.

On the other hand, a separate petition must be filed on behalf of each person who qualifies as your direct relative, including your children.

**For example:** To sponsor your mother and father, file a separate petition for each. If they have other children—your brothers and sisters—also file separate petitions for each of them.

**For example:** You marry a woman with a child. The child will usually qualify as your stepchild if he/she was unmarried and less than 18 when you married the mother. In that case, you would need to file one petition for your wife, and another for the child.

## After I file, how long will it be before my relative can immigrate?

The law gives special standing to a U.S. citizen's husband or wife, unmarried children under 21, and parents.

- There is no waiting list for immigration for these relatives.
- The Department of State will invite them to apply for an immigrant visa as soon as we approve your petition. In some cases, the petition can be filed outside the U.S., directly at the U.S. Consulate.
- If they entered legally and are currently in the U.S. (and meet certain other requirements), they may be able to file applications to adjust to permanent resident status.

For other relatives, the combination of high demand and the limits set by law on how many people can immigrate each year means

<sup>1</sup>Immigration law provides different immigrant classifications for children depending on their age and whether they are married. **Fact Sheet A3** discusses how an adopted child may immigrate or otherwise become a permanent resident.



your relative may have to wait several years while petitions that were filed before theirs are served. When your relative reaches the “front of the line”, the Department of State contacts your relative and invites him or her to apply for an immigrant visa. If you are interested in current wait times for visa numbers, see “Visa Bulletins” on the State Department’s website at [www.travel.state.gov/visa](http://www.travel.state.gov/visa).

**Can my relative wait in the United States until becoming a permanent resident?**

Your approved relative’s petition gives your relative a place in line among those waiting to immigrate. It does not let him/her come to the U.S. or remain here until he/she can apply for permanent residence. He/she should wait outside the U.S. to immigrate legally. If he/she comes or stays without legal status, it will affect his/her eligibility to become a permanent resident when his/her place in line for a visa is reached. However, if your husband or wife, unmarried child under 21, or parent is already in the U.S. after having entered legally (and in certain other circumstances), and applies for permanent residence when you file your petition, then he/she may, with certain exceptions, remain in the U.S. while we process their application for permanent residence.

**Does filing a relative petition commit me to anything?**

Under the law, every person who immigrates based on a relative petition must have a financial sponsor. If you choose to sponsor your relative’s immigration by filing a relative petition, then when the time comes, you must agree to be his or her financial sponsor and file an affidavit of support. If you do not meet the financial qualifications, then other individuals will also have to make this commitment. For more information, please see **Fact Sheet G4**.

**How do I file?**

Follow the I-130 relative petition instructions and check our website for any updates on instructions or fees. Make sure your petition is complete. You will need to submit evidence of your U.S. citizenship, and evidence proving your qualifying relationship to each person for whom you are filing.

**Please note:** If you are going to file for your husband or wife, your unmarried child(ren) under 21, or your parent, and they are already in the U.S. and entered legally, then they may be able to file an application for permanent residence with your relative petition at the same time and place. Petitions filed with residence applications may need to be filed in a different place than a petition filed alone. We will communicate directly with your relative about the residence application.

**What happens after I file?**

If you file by mail, we will mail you a receipt so you know we have your petition. If your petition is incomplete, we may have to reject it, or ask you for more evidence or information, which will delay processing. Please send all required documents the first time to avoid delay.

We will notify you when we make a decision. Normally, when we approve the petition, we will send it to the U.S. State Department’s National Visa Center (NVC). Once your relative’s place in line for a visa number is reached, the NVC will notify you and your relative, inviting him or her and qualifying dependents to apply for immigrant visas. You can get more information about immigrant visa processing from the U.S. State Department’s website at [www.state.gov](http://www.state.gov).

**How long will it take USCIS to process my petition?**

Processing time depends on a number of factors. You can check our current processing times on our website. Once you file a relative petition, we will post an updated estimate of the processing time on the USCIS website.

**What if I filed a petition for a relative when I was a permanent resident, but I am now a U.S. citizen?**

If you become a U.S. citizen while your relative is waiting for a visa, you can upgrade your relative’s visa classification by upgrading your petition. Husbands/wives and unmarried children under age 21 of U.S. citizens have visas immediately available to them.

- If you become a U.S. citizen after your petition is already approved and sent to the State Department, you should notify the NVC that you have become a U.S. citizen by sending a copy of your naturalization certificate to the NVC. Please include a letter with information regarding your relative and a copy of the petition approval.
- If you become a U.S. citizen and your relative’s petition has not yet been approved by USCIS, check our website or call customer service for information.

If your relative is your spouse and he/she has children who are your stepchildren or adopted children, and you did not file separate petitions for them, you must file separate petitions for them now with evidence of your U.S. citizenship.

**Key Information**

Key forms referenced in this Fact Sheet	Form #
Petition for Alien Relative	I-130

**USCIS**

- **On the Internet at: [uscis.gov](http://uscis.gov)**

For more copies of this Fact Sheet, or information about other citizenship and immigration services, visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It’s a great place to start! If you don’t have Internet access at home or work, try your library. If you can’t find what you need, call customer service.
- **Customer Service: 1-800-375-5283**
- Hearing Impaired TDD Customer Service: 1-800-767-1833

**Disclaimer:** This Fact Sheet is a basic guide to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, see our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

Other U.S. Government Services–click or call		
In general	<a href="http://www.firstgov.gov">www.firstgov.gov</a>	1-800-333-4636
U.S. Department of State	<a href="http://www.state.gov">www.state.gov</a>	1-202-647-6575